

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AS

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/293,861 04/16/99 ROWLEY W 5871-Z-DIV

024115 IM22/0418  
LOUIS F WAGNER  
BUCKINGHAM DOOLITTLE & BURROUGHS, LLP  
50 S MAIN STREET  
P O BOX 1500  
AKRON OH 44309-1500

EXAMINER

DYE, R  

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1772  
DATE MAILED:  
04/18/01

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

|                              |                                      |                               |
|------------------------------|--------------------------------------|-------------------------------|
| <b>Office Action Summary</b> | Application No.<br><b>09/293,861</b> | Applicant(s)<br><b>Rowley</b> |
|                              | Examiner<br><b>Rena L. Dye</b>       | Art Unit<br><b>1772</b>       |



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on Jan 22, 2001
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1 and 63-85 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 81-85 is/are allowed.
- 6)  Claim(s) 1 and 63-80 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.
- 12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- 15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)
- 17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

Art Unit: 1772

## **DETAILED ACTION**

### ***Introduction***

1. The rejections of record as set forth in the last Office action (paper no. 5), not repeated herein, have been withdrawn in view of Applicant's arguments and amendments to the present claims.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1 and 63-80 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the recitation of "crosslinking the first and second polymers, wherein the step of crosslinking independently increases the degree of crosslinking of each polymer to a higher final amount" is unclear. It is not clear how the crosslinking independently increases the degree of crosslinking of each polymer to a higher final amount. There is no recitation of the first and second polymers having been initially crosslinked, or treated in such a manner that crosslinking would independently affect the degree of crosslinking of each polymer. In the last office action the Examiner indicated claim 66 as allowable which includes the limitation of "wherein the first and second polymers....independently crosslinked to an initial degree". Did Applicant intend to

Art Unit: 1772

recite this limitation to clarify that the two layers are treated differently prior to the step of crosslinking of the two layers (in contact)? Clarification is requested.

***Allowable Subject Matter***

3. Claims 81-85 are allowable over the prior art of record.

The prior art of record fails to teach or suggest a process for overmolding tubes comprising: inserting a tube of a first polymer having a first polymer initial degree of crosslinking, the first polymer having an inner diameter, at least partially into a mold and at least partially onto a cylindrical mandrel, an outer diameter of the mandrel dimensioned so as to allow the inner diameter of the tube to slide thereon, the mold containing a void for receiving a second polymer, the void co-acting with the mandrel and the tube to define an overmolding shape; injection molding a second polymer having a second polymer initial degree of crosslinking, the initial degrees of crosslinking being selected independently for the first and second polymers, over the tube and the mandrel in the void of the mold; and crosslinking the first and second polymers to a final degree, the final degree of crosslinking for the first and second polymers being selected independently for the first and second polymers.

Art Unit: 1772

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Dye whose telephone number is (703) 308-4331.



Rena L. Dye  
Primary Examiner  
Tech Center 1700

R. Dye  
April 17, 2001